

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LICH THANH VU; and LAN THUY)
NGUYEN VU, personally and as)
the guardian of LICH THANH VU,)
)
Plaintiffs,)

v.)

Case No. CIV-25-00426-JD

)
JOSEPH D. GIBSON; and CITY OF)
OKLAHOMA CITY,)
)
Defendants.)

ORDER

Before the Court is Defendant Gentner Drummond’s Motion to Dismiss seeking dismissal of Plaintiffs’ Complaint for failure to satisfy Federal Rules of Civil Procedure 12(b)(1) and (6) and Defendant City of Oklahoma City’s Motion to Strike Plaintiffs’ Complaint as redundant, immaterial, impertinent or scandalous pursuant to Federal Rule of Civil Procedure 12(f) (collectively, the “Motions”). [Doc. Nos. 5, 9].

In response to the Motions, Plaintiffs timely filed a First Amended Complaint under Federal Rule of Civil Procedure 15(a)(1)(B). [Doc. No. 13]. Plaintiffs’ amendment “supersedes the original and renders it of no legal effect.” *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *see Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180–81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, the Motions directed at the original Complaint are moot.

IT IS THEREFORE ORDERED that Defendant Gentner Drummond's Motion to Dismiss and Defendant City of Oklahoma City's Motion to Strike directed at the original Complaint [Doc. Nos. 5, 9] are DENIED as moot and without prejudice.

IT IS SO ORDERED this 25th day of June 2025.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE